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B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

**3078. Adulteration and misbranding of beer. U. S. v. Evansville Brewing Association. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 5169. I. S. No. 1005-e.)**

At the November, 1913, term of the District Court of the United States for the District of Indiana, the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against the Evansville Brewing Association, a corporation, Evansville, Ind., charging shipment by said association, in violation of the Food and Drugs Act, on September 20, 1912, from the State of Indiana into the State of Louisiana, of a quantity of beer which was adulterated and misbranded. The product was labeled: "Finest barley, malt and choicest hops. Contents 10 ounces liquid alcohol content 3.7%. Good Luck Brand. Trade Mark. Evansville Brewing Ass'n, Incorporated. Rheingold Beer. Brewed and Bottled by Evansville Brewing Ass'n, Evansville, Ind. Guaranteed by the Evansville Brewing Association under the Food & Drugs Act June 30, 1906. Serial No. 11241."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume).....	3.41
Extract (per cent by weight).....	5.33
Extract original wort (per cent by weight).....	10.77
Degree fermentation.....	50.77
Volatile acid, as acetic (grams per 100 cc).....	0.010
Total acid, as lactic (grams per 100 cc).....	0.103
Maltose (per cent).....	1.77
Dextrin (per cent).....	2.50
Ash (per cent).....	0.13
Proteid (per cent).....	0.354
P <sub>2</sub> O <sub>5</sub> (per cent).....	0.048
Undetermined (per cent).....	0.57
Polarization, undiluted, 200 mm tube (°V.).....	+39.6
Color (degrees in $\frac{1}{4}$ -inch cell, Lovibond).....	3

Adulteration of the product was charged in the indictment for the reason that a product brewed from barley, malt, hops, and other cereal products had been substituted in part for a product brewed from hops and malt. Misbranding was alleged for the reason that the statement, "Finest Barley Malt and Choicest Hops," so printed and apparent on the labels attached to the bottles containing the product, regarding the ingredients contained therein, was false and misleading, in that the said product was not brewed only of the finest barley, malt, and choicest hops, but, in truth and in fact, said product was brewed from barley, malt, hops, and cereal products.

On December 16, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

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**3079. Adulteration and misbranding of special pure lemon and lemon mixture. U. S. v. 4 Dozen Bottles Special Pure Lemon and 10 Dozen Bottles of Eclipse Lemon Mixture. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5178. S. No. 1772.)**

On April 24, 1913, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the

United States for said district libels for the seizure and condemnation of 4 dozen 2-ounce bottles of so-called special pure lemon and 10 dozen 8-ounce bottles of so-called eclipse lemon mixture, remaining unsold in the original unbroken packages and in possession of the Library Tea Co., Detroit, Mich., alleging that the product had been shipped on or about August 13, 1912, by the Miller Eberhard Co., Cleveland, Ohio, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The so-called special pure lemon was labeled: "Special pure Lemon for flavoring ice cream, cake, custards pastry etc Schorndorfer & Eberhard. Cleveland, O."

It was alleged in the libel that this article was adulterated in violation of section 7 of the Food and Drugs Act for the reason that said packages and each of them were by the labels appearing on the face of each of the bottles, to wit, "Special Pure Lemon," labeled and branded so as to deceive and mislead the purchaser thereof, in that said food product so labeled as aforesaid was not special pure lemon at all, but consisted of a dilute extract of lemon which had been mixed and packed with and substituted for lemon extract so as to reduce or lower or injuriously affect its quality and strength, and that the branding and labeling aforesaid constituted a misbranding within the meaning of said act.

The eclipse lemon mixture was labeled: "Eclipse Lemon Mixture, oil lemon 1.16% alcohol absolute 36.00% water 62.84%. The Schorndorfer & Eberhard Co. Cleveland, O."

It was alleged in the libel that this product was adulterated in violation of section 7 of the Food and Drugs Act for the reason that the packages and each of them by the label appearing on the face of each of the bottles, to wit "Eclipse Lemon Mixture," were labeled and branded so as to deceive and mislead the purchaser thereof, in that said food product so labeled as aforesaid was not lemon mixture at all, and did not contain oil of lemon 1.16 per cent, alcohol absolute 36 per cent, and water 62.84 per cent, but contained no oil of lemon whatever, and the quality and strength of the product had been reduced and lowered thereby, and said branding and labeling aforesaid constituted a misbranding within the meaning of said act.

On October 6, 1913, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

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**3080. Adulteration of shelled peanuts. U. S. v. 125 Bags of Shelled Peanuts. Decree of condemnation, forfeiture, and destruction as to part of the product; remainder ordered released to claimant. (F. & D. No. 5180. S. No. 1784.)**

On April 24, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on May 19, 1913, an amendment to the original libel, for the seizure and condemnation of 125 bags of shelled peanuts remaining unsold in the original unbroken packages at the Pennsylvania Railroad freight depot, Chicago, Ill., alleging that the product had been shipped by the Carolina Peanut Co., Weldon, N. C., and transported from the State of North Carolina into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "No. 2 Spanish Shelled Peanuts."

Adulteration of the product was alleged in the libel and amendment to the libel for the reason that it consisted wholly and in part of a filthy, decomposed, and putrid vegetable substance.

On April 25, 1913, James R. Baker & Co., a corporation, claimant, filed its answer to the libel, denying the charges of adulteration and praying that the libel be dismissed and the product released from seizure. On May 26, 1913, the court having